

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me advise Members, this is the last of the four votes on the instructions. I would recommend you take a beeper with you because if we do work out something on the CR, the vote could come any time between now and tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to instruct conferees. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 573 Leg.]

#### YEAS—48

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner

#### NAYS—49

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Heflin	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Snowe
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Exon	Levin	
Feingold	Lieberman	

#### NOT VOTING—2

Gramm	Lugar
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So the motion to lay on the table the Kennedy motion to instruct conferees was rejected.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Rollcall vote be vitiated on this motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs on agreeing to the motion to instruct offered by the Senator from Massachusetts.

So, the motion was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I just want to comment in the presence of Senator KENNEDY, one of the reasons we let this happen and did not fight any harder is because we are so appreciative on the Republican side for all the help he has been in getting the reconciliation bill passed.

Mr. KENNEDY. I thank the Senator. I want to be of similar help and assistance on—

Mr. DOMENICI. That kind of help we do not need. In spite of what it was, he prevailed.

The PRESIDING OFFICER. Under the previous order, the Chair appoints the following conferees.

Thereupon, the Presiding Officer (Mr. SANTORUM) appointed:

From the Committee on the Budget for consideration of all titles: Mr. DOMENICI, Mr. GRASSLEY, and Mr. EXON;

From the Committee on Agriculture, Nutrition, and Forestry for consideration of title I: Mr. LUGAR, Mr. DOLE, Mr. HELMS (for consideration of section 1113 and subtitle D of title I), Mr. COCHRAN (for consideration of title I, except sections 1106, 1108, 1113, and subtitle D), Mr. CRAIG (for consideration of sections 1106 and 1108 of title I), Mr. LEAHY; and Mr. PRYOR;

From the Committee on Armed Services for consideration of title II: Mr. THURMOND, Mr. MCCAIN, and Mr. BINGAMAN;

From the Committee on Banking, Housing and Urban Affairs for consideration of title III: Mr. D'AMATO, Mr. GRAMM, and Mr. SARBANES;

From the Committee on Commerce, Science, and Transportation for consideration of title IV: Mr. PRESSLER, Mr. STEVENS, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUE;

From the Committee on Energy and Natural Resources for consideration of title V: Mr. MURKOWSKI, Mr. HATFIELD, Mr. NICKLES, Mr. CRAIG, Mr. JOHNSTON, Mr. BUMPERS, and Mr. FORD;

From the Committee on Environment and Public Works for consideration of title VI: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. BAUCUS, and Mr. REID;

From the Committee on Finance for consideration of title VII and title XII: Mr. ROTH, Mr. DOLE, and Mr. MOYNIHAN;

From the Committee on Governmental Affairs for consideration of title VIII (and for consideration of the title of the House bill relating solely to abolishing the Department of Commerce): Mr. STEVENS, Mr. COHEN, Mr. THOMPSON, Mr. GLENN, and Mr. PRYOR;

From the Committee on the Judiciary for consideration of title IX: Mr. HATCH, Mr. GRASSLEY, and Mr. BIDEN;

From the Committee on Labor and Human Resources for consideration of title X: Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. FRIST, Mr. KENNEDY, Mr. PELL, and Mr. SIMON (for ERISA and other matters);

From the Committee on Veterans' Affairs for consideration of title XI:

Mr. SIMPSON, Mr. MURKOWSKI, and Mr. ROCKEFELLER.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### POISED FOR A SHUTDOWN

Mrs. BOXER. Thank you very much, Mr. President. I take to the floor late this evening, and I know there is other business that will be coming before the body, to talk about where we are as a country at this point when everyone seems to be poised for a shutdown, representing the largest State in the Union where, I daresay, Senator FEINSTEIN and I have more people who will be impacted by this shutdown than any other State in the Union. It is of grave concern to me. I believe the time has come for us to work together and keep this Government functioning. I believe if we cannot do that, then we are not doing our jobs.

The time has come for the Republican Congress to admit to something they do not want to admit to, and that is the occupant of the White House happens to be a Democrat. There is a Democrat in the White House, a Democrat who has said in every possible way that we can make bipartisan progress on the budget if Republicans moderate their extreme cuts in four areas: Medicare is one area; Medicaid is the second; education is the third; and environment is the fourth. And on the tax break side, that the Republican Congress not give huge tax breaks to the wealthiest to pay for those mean-spirited cuts.

Those are the main areas of disagreement: Medicare, Medicaid, environment and education and huge tax breaks for the wealthiest among us.

There are other smaller areas of disagreement, but those are the major ones. When you stop and think about the thousands of things that we deal with in this budget, if it can come down to four or five areas, I think there is room for us to work together. I do not think it is unreasonable for the President to simply ask for moderation on four areas crucial to all Americans, and I do not believe that the majority of Americans think that President Clinton is being unreasonable.

Why do I say that? Because it is clear, when you take \$270 billion out of Medicare, you are hurting this very important and popular program. And you know that what Speaker GINGRICH said is true, they cannot kill it outright, but this will allow it to "wither on the vine."

"Wither on the vine," the very words of Speaker GINGRICH. And you know something, he cannot get out of it. That is what he said.

So the Republicans will allow Medicare—indeed, that is their plan—allow it to “wither on the vine” and then use the money to pay off those who earn over \$350,000 a year. They will get \$5,600 a year in tax breaks.

I listened to the chairman of the Budget Committee—I am on the Budget Committee, I serve there with great pride—when Senator KENNEDY of Massachusetts asked a direct question to the chairman of the Budget Committee. The answer came back, and I do give Chairman DOMENICI credit for this. He said, basically, yes to the question, “Didn’t you have to cut Medicare \$270 billion to make room for your tax cut?”

Of course he did. Of course he did. That was in the budget itself. It said there has to be enough cuts to be able to afford those tax breaks.

It is symmetry, my friends, and very clear: \$245 billion in tax cuts for the wealthiest; \$270 billion cuts in Medicare. That is extreme. The Republicans go too far.

I think the President is being very reasonable and very rational and very correct in suggesting that they moderate those cuts, that they not harm Medicare, that they not cut Medicaid by \$182 billion.

Who uses Medicaid? The disabled, the elderly in nursing homes. They still, with all the hoopla, are going to change the national standards for nursing homes. Their latest ploy is to have national standards that the States will enforce. Wonderful. We know what happened when the States were in charge of nursing homes. We remember those days.

I compliment my friend, Senator PRYOR, for his work on this issue. We are not going to go back to the days where seniors were abused, drugged, had bedsores or were given scalding baths. That is what happened in the 1980’s.

I have to say when I hear colleagues on the other side say, “Well, those Democrats just do not want change,” yes, we want change but we want good change. We want change that is good for the country, that moves us forward, that keeps our values.

Yes, we have to look more carefully at the way we spend our dollars. Yes, we have to balance the budget. But it is a question of how you do it and the President is right to stand firm. I hope he will continue to stand firm because the American people support that.

Change in and of itself is not necessarily good. It is like if you have a teenage child. I have had a couple of them. They are past that stage. This is very good. When they were young and I said, “You have to do better, you have to work harder”—“Yes, I will change.”

If they change for the better that is great, but if they came home and said, “Mom I changed. I joined a gang,” that would be a bad change.

When you repeal nursing home standards, that is a bad change. When you hurt seniors in Medicare, that is a bad

change. When you cut so deeply into education and student loans that you really in essence say to our young people they are not going to have opportunity, that is a bad change. We should stand for good change.

We protect the pensions of our workers. This Republican budget goes after the pensions, allows them to be raided. That is a bad change.

This is not a revolution, this Republican revolution, that Americans can really embrace, because it is an America that loses its values, hope, opportunity, fairness. That is what I think we try to stand for on our side of the aisle. That is the kind of budget that we will support—yes, one that moves us toward balance.

How do you get there is the question. I think what is happening is that my colleagues on the Republican side want to blackmail our President and send him a debt extension, force him to sign it while at the same time a provision in there would tie his hands in future debt crises. That is not what we need for the strongest, greatest country in the world.

I used to be a stockbroker in another lifetime, and every time the President sneezed, the market would go down. People were worried. Imagine what it would be like if a President signed a bill that essentially tied his hands behind his back so he could not act in a crisis, to stand strong for the full faith and credit of the United States of America. That would be a terrible thing for him to do, and he is not going to be blackmailed into doing it. God bless him for that and give him courage and give him strength for that.

Imagine, these short-term bills having all this extraneous matter—raising Medicare premiums. The Republicans cannot even wait for the reconciliation bill, they are going to put it in this short-term bill. Raising premiums instead of looking at Medicare as a whole unit and bringing in the doctor piece and bringing in the waste, fraud, and abuse piece, as Senator KENNEDY said, and the hospital piece, and making sure the poor seniors are protected.

Why should the President sign a bill when he is up against the wall and being blackmailed into it? The President has every right to reject this. He should.

I am here to say that right now if the Republicans in this U.S. Senate wanted to, they could sit down with us Democrats. We could send a clean debt extension to the President, a clean continuing appropriations to the President, absent all this extraneous matter.

One of them even weakens environmental laws, threatening public health and safety. It is an outrage.

We do not have to shut down this Government and make people feel concerned if they want to apply for veterans’ benefits or Social Security benefits that the door will be closed. It is not necessary to do that.

Send the President a clean extension of the debt. Send the President a clean

continuing resolution. We have many battles that we have to fight but we do not have to fight it on this short-term bill.

I am only going to go for another 2 or 3 minutes but I really need to say that this crisis is a manufactured crisis. There is no reason for it to be happening. It is just an attempt by this Republican Congress to sneak things through here that they know they cannot get through in the light of day. They do not want to vote to raise Medicare premiums, so they stick it in on this debt extension or on the continuing resolution. On the debt extension they weaken the environmental laws. They are radical plans and their only hope of success is to slip it through.

We should not be playing a game here about who is more macho, NEWT GINGRICH or President Clinton. Frankly, I do not care. I do not care about that. What I care about is that my country functions, that my country operates, that we are not sending a signal to foreign countries that there is some problem here with us doing our work.

The full faith and credit of the greatest Nation on Earth is at stake, so we should not play the high noon games, the macho games, and the football games. We have a job to do. Keep the bills clean.

I also would like to take this opportunity to note that while the Senate voted unanimously to dock our pay if any part of the Government shuts down, the House of Representatives refused to do it. Speaker GINGRICH will not even meet with me and Congressman DURBIN in order to discuss this matter.

Here we have a situation where Federal employees who work very hard are being disrupted, their families are frightened, and yet because Speaker GINGRICH does not want to act on this, Members of Congress will get their pay. Wonderful signal. Wonderful signal. Play games with the faith and credit of the United States of America, but we get our pay.

I hope that Congressman DURBIN will be able to get his bill offered over on that side under suspension of the rules. We passed it here unanimously with Senators DASCHLE and DOLE going on my amendment.

I find it bizarre, just bizarre, that Speaker GINGRICH is very willing to give out the pain to the country but is protecting himself and his colleagues from any pain. It is wrong.

Mr. President, stand firm. You are right in what you are doing. Let us pass these short-term bills without extraneous amendments. Take the four or five areas of disagreement in the budget and hammer out agreements. This Congress has only sent the President 5 appropriation bills out of 13. They have not even sent the reconciliation bill over to him yet, and they are playing games with these short-term bills.

Get your work done. Send it to the President. He will veto it, because it

has hurtful cuts in education, environment, Medicare and Medicaid, and for its attack on working people and cozy tax breaks to the wealthiest and its raid on workers' pensions.

Send it to the President. Our founders envisioned that when there is a split in values, there will be a veto. Then there will be a veto override. And, if that fails, we will sit down and we will solve the problems before us.

Our values are clashing. In many ways, it is important for America to understand that. This is not about some small matters. This is about the heart and soul of America. Do we invest in our students? Do we care about our seniors? Do we care about our children? Do we value them? Do we want to balance the budget, but do it in a way that is humane and compassionate and fair and just? Or do we want to slash and burn and use those savings to give the wealthiest among us thousands of dollars every year?

I hope the answer to that is no. I think the answer to that is no. And when the President stands tall and vetoes this bill, we will move the debate forward. But that is a battle we do not have to have on the short-term legislation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. In closing, strip these short-term bills of extraneous material and let us govern.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

Mr. KERRY. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Massachusetts.

The Senator will withhold.

#### CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

The PRESIDING OFFICER. The Chair will lay before the Senate the message on H.R. 927, which the clerk will report.

The assistant legislative clerk read as follows:

*Resolved*, That the House disagree to the amendment of the Senator to the bill (H.R. 927) entitled "An Act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The Senate continued with the consideration of the message from the House.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask the distinguished acting majority leader for his attention.

I ask unanimous consent the pending resolution be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Would we add to that that the Senator speak as in morning business?

Mr. KERRY. I beg your pardon?

Mr. LOTT. Add to the unanimous consent the Senator speak as in morning business.

Mr. KERRY. I do not need to have that additional part of the request. I think it would be sufficient simply to set it aside, and I would be happy to go back in a quorum call.

Mr. LOTT. Mr. President, I think we are going to be able to work this out here momentarily. But we are not prepared at this moment to set the issue aside.

Mr. KERRY. Mr. President, I ask unanimous consent that it be set aside temporarily for purposes of speaking as in morning business.

I ask the distinguished Senator from Mississippi how long he thinks it might be before we make a decision.

Mr. LOTT. Just momentarily.

Mr. KERRY. In that case, I ask unanimous consent to proceed for such time as necessary, until the Senator has an answer, as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### THE DEBT CEILING

Mr. KERRY. Mr. President, I congratulate the Senator from California on her comments with respect to the budget. I would like to just say a few words.

About a month ago, I came to the floor of the Senate and suggested that, as every Senator here knew, we were headed towards this inevitable moment that we are now in. I think a lot of us felt then that the American people would have been much better served if we had been able to come together on all sides of the aisle, as well as on the other end of Pennsylvania Avenue, in order to try to work out the differences between us.

But all of us understand there is a different dynamic that is working here. And that dynamic, I feel, is underscored by those things that had been attached to the debt ceiling and to the continuing resolution.

Most Americans are sitting at home today sort of scratching their heads. They are saying to themselves, what in God's name is going on in Washington yet again? We thought that in 1994 we voted for a "change." Yet, here is

Washington caught up in this paroxysm of business as usual. For the average Americans who thought they voted to get rid of gridlock in 1994, here they are with a kind of gridlock revisiting them. And a lot of people are probably saying a pox on both of your houses, all of you.

Undoubtedly, tomorrow, a lot of people are going to be confused as they see this definition of nonessential employees. All of a sudden the Government is going to shut down for a little while and nonessential employees are going to be sent home. I would not blame most Americans for sitting at home and saying, "What is this? They are nonessential employees. The Government is going to function adequately for a few days—what are we doing with these people who are nonessential employees every other day of the year?" So a whole lot of further confusion sets in by virtue of this absolutely predictable moment.

Why is this happening? As the Senator from California pointed out, it is happening because our friends on the other side of the aisle have had a responsibility to pass 13 appropriations bills. Last year, under the Democratic leadership, we passed those bills. We sent them to the President on time. Now only five of those bills have been passed, so we need to have what is called a continuing resolution, a temporarily spending measure, because they have not done their work.

Instead of just coming before the Senate and saying, give us a clean, temporary spending measure—what "clean" means is just pass a temporary spending measure; give us 2 more weeks to do our work. That is essentially what it means. We have not done our homework. So you go to the teacher and say, "I need another 2 weeks."

But, instead of just getting another 2 weeks to do the homework, they have brought back other conditions and attached conditions to the temporary extension that they simply could not get passed any other way.

They have had a regulatory relief bill here which the Senator from Kansas has introduced, which the Senate refuses to pass. The Senate refuses to pass it because it wants to attack things like letting citizens know, in their communities, what kind of toxic chemicals are released in their communities.

It is just a voluntary knowledge issue. Should Americans know that a chemical company in the town in which our good citizens live is emitting X, Y, or Z toxics into the sky? It is a very simple issue. It is totally voluntary. Once people have learned that they are emitting this, it does not forbid the emissions. It does not punish anybody. It just lets people know what they are breathing. Our friends want to do away with that. We have not allowed them to do away with that because we think it is important for Americans to know what they are